

**AMENDMENTS TO THE DRAWINGS:**

The attached sheets of drawings include changes to Figures 1 and 2. These sheets, which include Figures 1 and 2, replace the original sheets including Figures 1 and 2. The changes in Figures 1 and 2 are show in annotated sheets showing the changes.

Attachments: Replacement Sheets

Annotated Sheets Showing Changes

## **REMARKS**

Claims 1-15 are currently pending, claims 1, 6 and 10 having been amended and claims 14 and 15 having been added by the present amendment.

### **Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action**

The Office is requested to review the above Petition and respectfully requested to withdraw any holding of abandonment and consider the present response as timely filed.

### **Drawings**

The Examiner has objected to the Drawings. Specifically, the Examiner has objected to Figure 4. Applicant has amended paragraph [0012] and , thus, the alleged inconsistency has been addressed. Accordingly, the objection to Figure 4 should be withdrawn.

The Examiner has also objected to Figures 1-3 and the use of dashed and/or solid lines. Figures 1 and 2 have been amended as appropriate. Figure 3 properly uses dashed and solid lines. Accordingly, the objection to Figures 1-3 should be withdrawn.

### **Amendments & § 112 Rejections**

The Examiner has raised a § 112, first paragraph, rejection asserting that the specification is replete with terms which are not clear, concise and exact. Paragraph [0008] and the Abstract were amended to attempt to remedy the apparent issues raised by the Examiner. However, upon a review of the specification, no other allegedly unclear, inexact or verbose terms were found. Accordingly, the Examiner is requested to specifically detail all language at issue or withdraw the rejection.

The Examiner has objected to the disclosure asserting that "Throughout the textual description, Figures and claims Applicant recites the side barriers as folded in a Z shape. However as best seen in Figure 4, the barriers are shown folded in a C shape or V shape opened outwardly with a single fold facing inwards not a Z shape with two folds...."

However, the Examiner's attention is drawn to the language of paragraph [0010]:

[E]ach side barrier is arranged such that, when it is secured in contact with said front portion, it defines a folded structure of substantially Z-shaped cross section with a fold directed towards the inside of the article.

Thus, the Z-shaped cross-section is properly described in the specification and properly shown in the Figures. The Z-shape implies a three sectioned shape as is shown in, for example, Figure 4. The first two sections are folded sections of the side barrier and the third section is the top sheet. This is as described in the specification; see for example paragraph [0010]. Accordingly, Z-shape is a proper term that is more than adequately supported by the present application.

However, changes were made to paragraphs [0031], [0036] and [0038] to replace language directed to "Z-folded," with language directed to "Z-shaped." Support for these amendment can be found throughout the specification and at least at paragraph [0010] and Figure 4. Accordingly, the objection to the disclosure should be withdrawn.

Claim 6 has been amended according to the Examiner's suggestion. Support for the amendment may be found throughout the specification and at least at paragraph [0023] and [0024]. Accordingly, the objection to claim 6 should be withdrawn.

Claim 10 has been amended to recite "elastic elements in the side barriers." Accordingly, the objection to claim 10 should be withdrawn.

Claim 1 has been amended to recite that each side barrier is a separate component from the upper and lower cover sheets. Support for this amendment may be found throughout the specification and at least at paragraph [0018] and [0019] and the Figures.

### **§ 102 Rejections**

Claim 1-3 and 11-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. (JP 01077607). Applicant respectfully traverses this rejection.

Suzuki does not teach or suggest each feature of the presently claimed invention. For example, Suzuki does not teach or suggest an absorbent article

where each side barrier is a separate component from the upper and lower cover sheets.

Moreover, one skilled in the art would not be motivated to modify the Suzuki teachings to arrive at the present invention, as Suzuki specifically states that the purpose of the Suzuki teachings is to enable easy production of an article to be put on which has an elastomer part arranged diagonally in a series of steps in the production line by folding back a side flap in a special state and adhering them. The Suzuki side flap is formed on the water-permeable top sheet and the water-impermeable back sheet.

Accordingly, the entire focus of the Suzuki teachings is an easy production line based upon using the top sheet and back sheet to form side flaps. Thus, one skilled in the art would not be taught or motivated to modify the Suzuki teaching in a manner to arrive at the presently claim invention, which recites that each side barrier is a separate component from the upper and lower cover sheets.

Accordingly, the rejection of claims 1-3 and 11-12 as being anticipated by Suzuki is respectfully requested to be withdrawn.

### **§ 103 Rejections**

Claims 4-7 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of Robertson (USPN 5,026,364) and Olsson (USPN 5,746,732). Applicant respectfully traverses this rejection.

The Examiner relies on Robertson and Olsson to allegedly teach a rear barrier. Further, the Examiner relies on Robertson and Olsson to allegedly teach a rear barrier that has a further elastic element which, when viewed from above, extends outside and overlaps rear attachment points of the elastic elements in the side barriers, wherein said further elastic element comprises attachment points which, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers.

First, applicant notes that Suzuki does not teach or suggest an absorbent article where each side barrier is a separate component from the upper and lower cover sheets. And, as described above, one skilled in the art would not be motivated to modify the Suzuki teachings in a manner to arrive at an absorbent article where

each side barrier is a separate component from the upper and lower cover sheets. Robertson and Olsson do not remedy this deficiency.

With regard to claim 6, one skilled in the art would not be motivated to modify the Suzuki teachings in a manner arrive at an absorbent article with a further elastic element which, when viewed from above, extends outside and overlaps rear attachment points of the elastic elements in the side barriers, wherein said further elastic element comprises attachment points which, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers.

In the rear portion of the Suzuki article, the elastic elements are on the outside edge of the article. See Figures 2 and 4 of Suzuki. Accordingly, the elastic attachment points cannot, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers. Thus, one skilled in the art would not modify the Suzuki teachings with the teachings of Robertson and Olsson to arrive at the presently claimed invention, as set forth in representative claim 6.

Accordingly, the rejection of claims 4-7 and 13 as being unpatentable over Suzuki in view of Robertson and Olsson is respectfully requested to be withdrawn.

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of Sageser (USPN 5,496,428). Applicant respectfully traverses this rejection.

The Examiner relies on Sageser to allegedly teach spacing of the side barriers.

However, Suzuki does not teach or suggest an absorbent article where each side barrier is a separate component from the upper and lower cover sheets. And, as described above, one skilled in the art would not be motivated to modify the Suzuki teachings in a manner to arrive at an absorbent article where each side barrier is a separate component from the upper and lower cover sheets. Sageser does not remedy this deficiency.

Accordingly, the rejection of claims 8-10 as being unpatentable over Suzuki in view of Sageser is respectfully requested to be withdrawn.

**New Claims**

New claims 14 and 15 have been added to the application.

Support for claim 14 may be found throughout the specification and at least at paragraph [0022] and Figure 1. Claim 14 is patentable over the cited art for at least the reasons claim 1 is patentable. Further, Suzuki does not teach or suggest that the side barriers attaches to the upper cover sheet at attachment lines, and that, at the rear portion of the article, the attachment line defines the interior border of the side barrier.

Support for claim 15 may be found throughout the specification and at least at original claims 1, 4, 5, and 6. Claim 15 is patentable over the cited art at least because one skilled in the art would not be motivated to modify the Suzuki teachings in a manner arrive at an absorbent article with a further elastic element which, when viewed from above, extends outside and overlaps rear attachment points of the elastic elements in the side barriers, wherein said further elastic element comprises attachment points which, when viewed from above, extend outside the rear attachment points of the elastic elements in the side barriers.

Accordingly, new claims 14 and 15 should be entered and allowed.


**Conclusion**

Favorable examination and further action in the form of a Notice of Allowance is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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**ANNOTATED SHEET**

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**TITLE: ABSORBENT ARTICLE**

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